



ROBINSON
GRAY

Litigation + Business

SAMUEL J. WELLBORN

DIRECT 803 231.7829 DIRECT FAX 803 231.7878

swellborn@robinsongray.com

March 12, 2020

VIA ELECTRONIC FILING

The Honorable Jocelyn G. Boyd
Chief Clerk / Executive Director
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, SC 29210

Re: Blue Granite Water Company Providing Notice Pursuant S.C. Code Ann.
Regs.103-514(C) (Interruption of Service/Violation of Rules)
Docket No. 2020-23-S

Dear Ms. Boyd:

Blue Granite Water Company (the "Company") is filing for the Commission's information, pursuant to S.C. Code Ann. Regs. 103-514(C), the attached Consent Order between the Company and the S.C. Department of Health and Environmental Control. The Company is in the process of processing payment of the associated penalty, and the Company's Corrective Action Plan is underway.

A copy of this filing is being provided to the Office of Regulatory Staff.

Kind regards,

Sam Wellborn

SJW:tch

Enclosures

cc w/enc: Parties of Record (via email)
Donald H. Denton, President (via email)
Dante Destefano, Financial Planning & Analysis Manager (via email)



RECEIVED

MAR 11 2020

BLUE GRANITE WATER COMPANY

March 9, 2020

FIRST CLASS and
CERTIFIED MAIL – 9214 8969 0099 9790 1417 1122 77

Ms. Rebecca Coates, Compliance Manager
Blue Granite Water Company
130 South Main Street
Suite 800
Greenville, SC 29601

Re: **Consent Order 20-008-W**
Blue Granite Water Company/Glenn Village II WWTF
NPDES Permit SC0030651
Lexington County

Dear Ms. Coates:

Enclosed, please find fully executed Consent Order 20-008-W for the above referenced facility. The Order is considered executed on March 4, 2020.

If you have any questions, please contact me at (803) 898-1768 or by e-mail at shawah@dhec.sc.gov.

Sincerely,

Anastasia Shaw, Enforcement Project Manager
Bureau of Water - WP Control Division
WP Enforcement Section

cc: Melanie Hindman, SCDHEC, WP Compliance and Enforcement Section
Veronica Barringer, SCDHEC, EA Midlands Region
Brenda Green, SCDHEC, Water Facilities Permitting
Sonya Johnson, SCDHEC, EA Midlands Region

Attachment as stated

THE STATE OF SOUTH CAROLINA
BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

IN RE: BLUE GRANITE WATER COMPANY
GLENN VILLAGE II WWTF
LEXINGTON COUNTY

RECEIVED

MAR 11 2020

CONSENT ORDER

BLUE GRANITE WATER COMPANY

20 - 008 - W

Blue Granite Water Company (Blue Granite) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located at 2819 Bachman Road in Gaston, Lexington County, South Carolina. The WWTF serves the residences of the Glenn Village II subdivision.

Blue Granite failed to comply with the effluent limitations for total copper (copper) contained in National Pollutant Discharge Elimination System (NPDES) Permit SC0030651.

In accordance with approved procedures and based upon discussions with an agent for Blue Granite on October 18, 2019, the parties agree to the issuance of this Order to include the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Blue Granite owns and is responsible for the proper operation and maintenance of a WWTF serving the Glenn Village II subdivision, located at 2819 Bachman Road in Gaston, Lexington County, South Carolina.
2. The South Carolina Department of Health and Environmental Control (Department) issued NPDES Permit SC0030651 (Permit) to Blue Granite, authorizing it to discharge treated wastewater from the WWTF to a tributary to First Creek in accordance with

effluent limitations, monitoring requirements, and other permit conditions contained therein. The permit was issued effective March 1, 2015, and expiration date of September 30, 2019. The application for renewal of the Permit is currently being reviewed by the Department, and Blue Granite is operating with approval under the expired Permit.

3. Blue Granite reported violations of the permitted discharge limits for copper on discharge monitoring reports (DMRs) submitted to the Department for the March 2019 through May 2019, and June 2019 through August 2019 quarterly monitoring periods.
4. On July 25, 2019, Department staff issued a Notice of Violation (NOV) to Blue Granite, via certified mail, as a result of copper violations during the March 2019 through May 2019 quarterly monitoring period. A written response to the NOV was requested within ten (10) days of receipt. The NOV was delivered on July 29, 2019.
5. In a letter to the Department dated August 5, 2019, received on August 9, 2019, Blue Granite responded to the NOV, attributing the copper violations to trace metal residuals found in aged sludge at the WWTF.
6. In an attachment to its August 2019 DMR, Blue Granite attributed copper violations to older sludge from previous months. Blue Granite stated it changed its process controls to ensure proper sludge wasting.
7. On October 3, 2019, Department staff issued a NOV to Blue Granite, via certified mail, as a result of copper violations during the June 2019 through August 2019 quarterly monitoring period. The NOV was delivered on October 9, 2019. As an explanation for the violations was included with the August 2019 DMR, no written response to the NOV was requested. The NOV was delivered on October 9, 2019.

RECEIVED

MAR 11 2020

8. On October 18, 2019, Department staff spoke with Ms. Rebecca Coates, Compliance Manager for Blue Granite, via telephone. Ms. Coates stated sludge was not previously wasted frequently enough at the WWTF. Ms. Coates stated Blue Granite changed its process controls to ensure proper sludge wasting. Ms. Coates indicated this new practice should prevent future copper violations. The parties discussed the possibility of a Consent Order containing a civil penalty.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact the Department reaches the following Conclusions of Law:

1. Blue Granite violated the Pollution Control Act, S.C. Code Ann. § 48-1-110(d) (2008 & Supp. 2018), and Water Pollution Control Permits Regulation, S.C. Code Ann. Regs. 61-9.122.41(a) (1) (2011) in that it failed to comply with the permitted effluent limitations for copper contained in the Permit.
2. The Pollution Control Act, S.C. Code Ann. § 48-1-330 (2008), provides for a civil penalty not to exceed ten thousand dollars (\$10,000.00) per day of violation for any person violating the Act or any rule, regulation, permit, permit condition, final determination, or Order of the Department.

NOW, THEREFORE, IT IS ORDERED, CONSENTED TO AND AGREED, pursuant to the Pollution Control Act, S.C. Code Ann. §§ 48-1-50 and 48-1-100 (2008 and Supp. 2018), that Blue Granite shall:

1. Within thirty (30) days of the execution date of this Order, submit to the Department a Corrective Action Plan (CAP) and a schedule of implementation reporting the corrective actions that have been taken and corrective actions planned to adequately address the potential source(s) contributing to the copper violations. The schedule of implementation

RECEIVED

MAR 11 2020

BLUE GRANITE WATER COMPANY

shall include specific dates or timeframes for the completion of each action and details as to how each action effectuates compliance with the effluent discharge limitations of NPDES Permit SC0030651. The schedule for implementation of specific corrective action steps proposed under the CAP shall be evaluated by the Department, and upon Department approval, the schedule(s) and corrective actions shall be incorporated into and become an enforceable part of this Order.

2. Within thirty (30) days of the execution date of this Order, pay to the Department a civil penalty in the amount of four thousand six hundred thirty-four dollars (\$4,634.00).

PURSUANT TO THIS ORDER, all communications regarding this Order and its requirements, including civil penalty payments, shall include the Order number and be addressed as follows:

Anastasia Shaw, Enforcement Project Manager
 SCDHEC - Bureau of Water
 WP Enforcement Section
 2600 Bull Street
 Columbia, S.C. 29201

IT IS FURTHER ORDERED AND AGREED that failure to comply with any provision of this Order shall be grounds for further enforcement action pursuant to the Pollution Control Act, S.C. Code Ann. § 48-1-330 (2008), to include the assessment of additional civil penalties.

IT IS FURTHER ORDERED AND AGREED that this Consent Order governs only the civil liability to the Department for civil sanctions arising from the matters set forth herein and constitutes the entire agreement between the Department and Blue Granite Water Company with respect to the resolution and settlement of these civil matters. The parties are not relying upon any representations, promises, understandings or agreements except as expressly set forth within this Order.

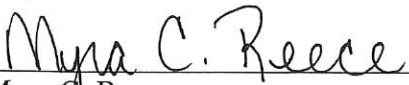
THE PARTIES UNDERSTAND that the "execution date" of the Order is the date the Order is signed by the Director of Environmental Affairs.

RECEIVED

MAR 11 2020

BLUE GRANITE WATER COMPANY


FOR THE SOUTH CAROLINA DEPARTMENT
OF HEALTH AND ENVIRONMENTAL CONTROL


Myra C. Reece
Director of Environmental Affairs

Date: 3/4/2020

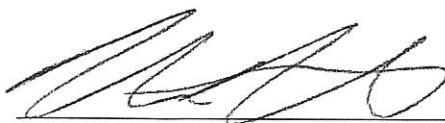

James M. Marcus, PhD, Chief
Bureau of Water

Date: 3/28/2020


Randy Stewart, Director
Water Pollution Compliance and Enforcement Division
Bureau of Water

Date: 2/28/20

Reviewed By:


DHEC Legal Counsel

Date: 3/3/2020

WE CONSENT:

BLUE GRANITE WATER COMPANY


Rebecca Coates, Compliance Manager

Date: 02/28/2020

RECEIVED

MAR 11 2020